

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Minneapolis Firefighters' Relief  
Association, et al.,

Civil No. 08-6324 (PAM/AJB)

Plaintiffs,

v.

**ORDER**

Medtronic, Inc., et al.,

Defendants.

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This matter is before the Court on a witness's objection to an Order of Chief Magistrate Judge Arthur J. Boylan. (Dec. 30, 2011, Order (Docket No. 299).) The witness, known as Confidential Witness 2, or CW2, objects to the granting of Plaintiffs' Motion to Compel documents from him, contending that Chief Magistrate Judge Boylan erroneously concluded that CW2 had waived his Fifth Amendment rights in the documents sought, because CW2 had submitted a declaration at Defendants' request in support of Defendants' opposition to the Motion for Class Certification.

According to CW2, the conclusion that he waived his 5th Amendment privilege is superfluous, because Chief Magistrate Judge Boylan had already determined that the collective entity doctrine would mandate the disclosure of the documents. However, given the conclusion that CW2 testified as to the subject matter of the document in question in his declaration, Chief Magistrate Judge Boylan's conclusion that he waived any Fifth Amendment privilege as to that document is indisputedly correct.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Objection to the Order on the Motion to Compel (Docket No. 306) is  
**OVERRULED**; and
2. The Order (Docket No. 299) is **AFFIRMED**.

Dated: February 1, 2012

*s/Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge